

On December 12, 1942, a plea of guilty having been entered by the defendant, the court imposed total fines of \$200, and also sentenced the defendant to 3 months imprisonment on each of the 2 counts of the information, the jail sentences to run concurrently.

4481. Adulteration of olive oil. U. S. v. Michele Casinelli. Plea of guilty. Fine \$100. (F. D. C. No. 7711. Sample No. 89095-E.)

On December 14, 1942, the United States attorney for the Southern District of California filed an information against Michele Casinelli, trading and doing business as M. Casinelli, at San Bernardino, Calif., alleging shipment on or about February 18, 1942, from the State of California into the State of New York of a quantity of olive oil that was adulterated and misbranded. The article was described in the freight bill as "20 ctns. Olive Oil in tins."

The article was alleged to be adulterated in that a mixture of cottonseed oil and olive oil had been substituted wholly or in part for olive oil, which said article was represented to be.

The article was alleged to be misbranded (1) in that it consisted of a mixture of cottonseed oil and olive oil and was offered for sale under the name of another food, olive oil; (2) in that it was in package form and did not bear a label containing the name and place of business of the manufacturer, packer, or distributor, and an accurate statement of the quantity of the contents in terms of measure; and (3) in that it was fabricated from two or more ingredients and its label did not bear the common or usual name of each such ingredient.

On December 31, 1942, the defendant having entered a plea of guilty, the court imposed a fine of \$100.

4482. Adulteration and misbranding of olive oil. U. S. v. 10 Cans of Olive Oil. Default decree of condemnation. Product ordered denatured and utilized for war purposes. (F. D. C. No. 7609. Sample No. 64874-E.)

On June 5, 1942, the United States attorney for the Northern District of West Virginia filed a libel against 10 cans of olive oil at Wheeling, W. Va., alleging that the article had been shipped in interstate commerce on or about April 10, 1942, by the Pennsylvania Macaroni Co., Inc., from Pittsburgh, Pa.; and charging that it was adulterated and misbranded. The article was labeled in part: "Very Best Virgin Olive Oil Savoy Brand."

It was alleged to be adulterated in that a mixture of olive oil and cottonseed oil had been substituted in whole or in part for olive oil, which it purported to be.

It was alleged to be misbranded (1) in that the statements "Very Best Virgin Olive Oil Guaranteed Absolutely pure under chemical analysis. The fruit is prepared by experts to make the finest, purest olive oil," and similar statements in Italian and the designs of crown, shield, and olive branch in the labeling were false and misleading as applied to an article that was a mixture of olive oil and cottonseed oil; (2) in that it was offered for sale under the name of another food; and (3) in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name for each such ingredient.

On November 12, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered denatured and sold for war purposes.

VITAMIN PREPARATIONS

4483. Adulteration and misbranding of vitamin tablets. U. S. v. Michael J. Walsh (Dietary Laboratories). Plea of nolo contendere. Fine, \$150. (F. D. C. No. 7693. Sample No. 80193-E.)

On October 8, 1942, the United States attorney for the Southern District of California filed an information against Michael J. Walsh, trading as Dietary Laboratories, at San Diego, Calif., alleging shipment on or about March 12, 1942, from the State of California into the State of Ohio of a quantity of vitamin tablets that were adulterated and misbranded. The article was labeled in part "Natural Vitamin B-Complex Tablets * * * Each Tablet Contains Not Less Than: 111 International Units Vitamin B₁."

The article was alleged to be adulterated in that a valuable constituent, vitamin B₁, had been in part omitted since it was represented to contain not less than 111 International units of vitamin B₁ per tablet and it contained not more than 55 U. S. P. units of vitamin B₁ per tablet, which is equivalent to not more than 55 International units of vitamin B₁ per tablet.

It was alleged to be misbranded in that the statement "Each Tablet Contains Not Less Than: 111 International Units Vitamin B₁" was false and misleading.

On November 18, 1942, the defendant having entered a plea of nolo contendere, the court imposed a fine of \$100 on the first count and a fine of \$50 on the second count.

4484. Misbranding of Vita Water. U. S. v. 50 Bottles of Vita Water. Default decree of condemnation and destruction. (F. D. C. No. 8400. Sample No. 15464-F.)

This product, in addition to being misbranded as indicated hereinafter, was polluted with coliform organisms, mold, and miscellaneous bacteria.

On September 24, 1942, the United States attorney for the District of New Mexico filed a libel against 50 bottles, each containing 5 gallons, of Vita water at Hobbs, N. M., alleging that the article had been shipped in interstate commerce on or about August 11, 1942, by the Vita Water Co. from Lubbock, Tex.; and charging that it was adulterated and misbranded.

The article was alleged to be misbranded: (1) In that the following statements "Protect your Baby's Teeth and Your Health * * * Every Bottle Sterilized * * * Vita Water * * * Free of Flourine * * *," were false and misleading since they represented and suggested that the article would be efficacious in protecting the baby's teeth and one's own health; that every bottle was sterilized; that it was a natural water and was free of fluorine, whereas it would not be efficacious for the purposes recommended; every bottle was not sterilized; it was an artificial water and it contained fluorine. (2) In that it was in package form and its label did not bear a statement of the quantity of the contents. (3) In that it was fabricated from two or more ingredients and its label did not bear the common or usual name of each such ingredient since the label did not name the specific minerals added.

On October 26, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4485. Adulteration of wheat germ middlings. U. S. v. 446 Sacks of Wheat Germ Middlings. Consent decree of condemnation. Product ordered released under bond for denaturing for use as live stock feed. (F. D. C. No. 8396. Sample No. 4217-F.)

This product contained beetles, larvae, cast skins, moth larvae and cast skins, miscellaneous insect fragments, and mites.

On September 21, 1942, the United States attorney for the Northern District of Ohio filed a libel against 446 100-pound sacks of wheat germ middlings at Wooster, Ohio, alleging that the article had been shipped in interstate commerce on or about March 14, 1942, by the Sunset Feed & Grain Co. from Buffalo, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Sack) "Maple Leaf Milling Co. Wheat Germ Middlings * * * Toronto Canada Made in Canada."

On October 31, 1942, the Freshman Vitamin Company of Detroit, Mich., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for denaturing for use as live stock feed under the supervision of the Food and Drug Administration.

4486. Adulteration of wheat germ middlings. U. S. v. 500 Sacks of Wheat Germ Middlings. Consent decree of condemnation. Product ordered released under bond for denaturing for use as live stock feed. (F. D. C. No. 8296. Sample No. 4216-F.)

This product contained beetles, larvae, cast skins, moth larvae and cast skins, miscellaneous insect fragments, and mites.

On September 21, 1942, the United States attorney for the Northern District of Ohio filed a libel against 500 99¾-pound sacks of wheat germ middlings at Wooster, Ohio, alleging that the article had been shipped in interstate commerce on or about March 23, 1942, by the Robin Hood Flour Mills from Moose Jaw, Canada; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: (Sack) "Superior Wheat Germ Middlings Made in Canada."

On October 31, 1942, the Freshman Vitamin Company of Detroit, Mich., claimant, having admitted the allegations of the libel, judgment of condemnation was entered and the product was ordered released under bond for denaturing for use as live stock feed under the supervision of the Food and Drug Administration.